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Attorneys for Defendant
Associated Industries Insurance Company, Inc

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WESCO INSURANCE COMPANY,
a New York Corporation,

Plaintiff,

v.

IRONSHORE SPECIALTY
INSURANCE COMPANY, an
Arizona Corporation; and DOES 1
through 10, inclusive,

Defendants.

CASE NO. 2:20-CV-00429-TLN-EFB

JOINT STIPULATION TO MODIFY
INITIAL PRETRIAL SCHEDULING
ORDER; ORDER

Complaint Filed: February 25, 2020

Trial Date: TBD

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS
FOLLOWS:

Plaintiff Wesco Insurance Company (“Wesco” or “Plaintiff”) and Defendant
Ironshore Specialty Insurance Company (“Ironshore” or “Defendant”) (collectively, the
“Parties”), by and through their respective counsel of record, hereby respectfully submit

1 this stipulation to modify and revise the dates set in this Court's Initial Pretrial Scheduling
2 Order (ECF No. 3).

3 WHEREAS, Plaintiff filed its Complaint in the above-entitled Court on February
4 25, 2020.

5 WHEREAS, Defendant filed and served an Answer to Plaintiff's Complaint on
6 April 10, 2020.

7 WHEREAS, on February 25, 2020, this Court issued an Initial Pretrial Scheduling
8 Order ("Pretrial Scheduling Order") (ECF No. 3), which set, *inter alia*, the following
9 dates:

- 10 a. Completion of discovery by December 4, 2020 (240 days from the date
11 upon which the last answer may be filed; Ironshore's answer deadline was
12 extended to April 9, 2020 via stipulation (Dkt. 7));
13 b. Initial designation and service of expert witness reports by February 2, 2021
14 (60 days after close of discovery);
15 c. Designation of supplemental and service of rebuttal expert witness reports
16 by March 4, 2021 (30 days after initial designation of experts);
17 d. Last day to file dispositive motions by June 2, 2021 (180 days after close of
18 discovery); and
19 e. Last day to file joint notice of trial readiness, if no party has filed a
20 dispositive motion, by April 2, 2021 (120 days after close of discovery).

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1 WHEREAS, the parties filed a Joint Discovery Plan on May 18, 2020 (ECF No.
2 10) indicating their willingness to participate in the Voluntary Dispute Resolution
3 Program (“VDRP”) pursuant to L.R. 271.
4

5 WHEREAS, on May 18, 2020, this Court issued a Minute Order (ECF No. 11)
6 referring the parties to the VDRP.

7 WHEREAS, in light of referral to VDRP, the ongoing health crisis regarding
8 COVID-19 and the relative burden of same on the parties and the California court system,
9 the parties now seek to modify the deadlines identified herein in order to allow additional
10 time to pursue informal resolution through the VDRP and explore the possibility of
11 otherwise resolving anticipated issues relative to the claims at issue in this matter. Such
12 request seeks to extend the close of discovery by forty-two (42) days, which will
13 concurrently extend the remaining deadlines by forty-two (42) days.
14
15

16 WHEREAS, good cause exists to modify the Pretrial Scheduling Order because
17 further litigation may be unnecessary if the parties are able to resolve the matter either
18 informally or through the VDRP.
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20 WHEREAS, the parties have not requested any prior modification to the Pretrial
21 Scheduling Order and any successful efforts to resolve the case may result in freeing up
22 the Court’s calendar.

23 NOW, THEREFORE, the parties, by and through their respective counsel of
24 record, AGREE AND HEREBY STIPULATE that good cause exists to modify the
25 Pretrial Scheduling Order as follows:
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- a. Completion of discovery by January 15, 2021 (281 days from the date upon which the last answer may be filed);
- b. Initial designation and service of expert witness reports by March 16, 2021 (60 days after close of discovery);
- c. Designation of supplemental and service of rebuttal expert witness reports by April 15, 2021 (30 days after initial designation of experts);
- d. Last day to file dispositive motions by July 14, 2021 (180 days after close of discovery);
- e. Last day to file joint notice of trial readiness, if no party has filed a dispositive motion by May 14, 2021 (120 days after close of discovery);

IT IS SO STIPULATED.

DATED: June 3, 2020

HIRSCH CLOSSON, APLC

By /s/ Christopher T. Hicks
Robert V. Closson, Esq.
Christopher T. Hicks, Esq.
Attorneys for Plaintiff,
WESCO INSURANCE COMPANY

DATED: June 3, 2020

WILSON ELSEER MOSKOWITZ EDELMAN AND
DICKER, LLP

By /s/ Dawn Silberstein (as authorized on June 9, 2020)
John Podesta, Esq.
Dawn Silberstein, Esq.
Attorneys for Defendant,
IRONSHORE SPECIALTY INSURANCE
COMPANY

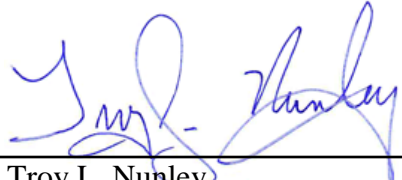
ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED that the
Pretrial Scheduling Order be modified as follows:

- a. Completion of discovery by January 15, 2021 (281 days from the date upon which the last answer may be filed);
- b. Initial designation and service of expert witness reports by March 16, 2021 (60 days after close of discovery);
- c. Designation of supplemental and service of rebuttal expert witness reports by April 15, 2021 (30 days after initial designation of experts);
- d. Last day to file dispositive motions by July 14, 2021 (180 days after close of discovery);
- e. Last day to file joint notice of trial readiness, if no party has filed a dispositive motion, by May 14, 2021 (120 days after close of discovery);

IT IS SO ORDERED.

Dated: June 10, 2020



Troy L. Nunley
United States District Judge